



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

HD:hd  
Docket No: 07248-00  
19 January 2001

LCDR [REDACTED] USNR  
[REDACTED]  
[REDACTED]

Dear Commande [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 22 November 2000, a copy of which is attached. The Board also considered your counsel's letter dated 10 January 2001 with enclosure.

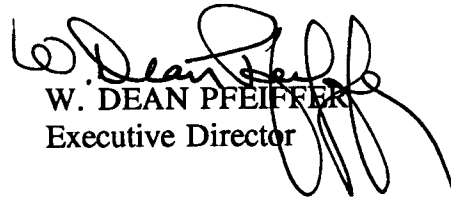
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Assuming, without so finding, that your allegations of discrimination are valid, the Board was unable to find that your selection by the Fiscal Year (FY) 98 Staff Lieutenant Commander Selection Board would have been probable, had you enjoyed the benefit of a corrected fitness report record and fully fair and equitable consideration, free of any discrimination. The fact you were selected by the first promotion board to consider your corrected fitness report record was not enough to persuade them, given the extent of time elapsed and the additional service you performed between the FY 98 promotion board and the FY 01 board that selected you. They were likewise unable to find that your selection by the FY 99 or 00 boards would have been probable, had both your fitness report record and your consideration been correct and fair in every respect.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



W. DEAN PFEIFFER  
Executive Director

Enclosure

Copy to:

Mr. Dean R. Broyles



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-85  
22 Nov 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED], CHC, USN [REDACTED]

Encl: (1) BCNR File

Ref: (a) BCNR Docket No: 02183-99 of 7 Feb 00

1. Enclosure (1) is returned, recommending disapproval of [REDACTED] request to backdate his promotion to FY-98.
2. Per reference (a), the corrections to [REDACTED] record affected only block #88 to the original fitness report dated 1 February to 16 June 1995 and removed his three failures of selection. The original fitness report's trait grades and promotion recommendation remained unchanged as documented on the Performance Summary Report (PSR) for the FY-98, 99, 00 and 01 selection boards. It cannot be assumed that [REDACTED] would have been selected for promotion to LCDR on the FY-98 selection board on the basis of the limited record correction in block #88. It is felt that consideration of his record as an "in zone" officer during the FY-01 [REDACTED] Corps Selection Board, with three additional years of fitness reports documenting professional experience and contributions to the Naval service contributed significantly to his selection to O-4.
3. Recommend disapproval of his request for date of rank adjustment.

[REDACTED]  
BCNR Liaison, Officer Promotions and  
Enlisted Advancements Division